



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

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Released: May 18, 2000

ALLTEL Corporation Files Petition for Waiver of Section 61.41 of the Commission's Rules

Pleading Cycle Established

CCB/CPD NO. 99-1

COMMENTS: July 3, 2000

REPLY COMMENTS: July 24, 2000

COMMENTS (INTERIM WAIVER): June 1, 2000

REPLY COMMENTS (INTERIM WAIVER): June 8, 2000

On May 17, 2000, ALLTEL/Aliant filed a petition requesting that the Commission grant it permission to convert 13 of the ALLTEL study areas to price cap regulation under section 61.4(a)(3) of the Commission's rules, 47 C.F.R. § 61.41(a)(3) and waive, on a temporary basis, section 61.41(b) of the Commission's rules, 47 C.F.R. § 61.41(b) to permit the continued regulation of its remaining study areas as rate-of-return companies.¹

In addition, ALLTEL/Aliant requests that the Commission grant, on an expedited basis, an interim waiver of section 61.41(b) of the Commission's rules to allow the merged company to continue to operate the former Aliant exchanges under price cap regulation pending the Commission's decision on ALLTEL/Aliant's request to elect price cap regulation on a permanent basis for the ALLTEL study areas.

On June 30, 1999, the Commission approved a merger between ALLTEL and Aliant.² The Commission waived sections 61.41(c)(1), (2) and (d) of the Commission's rules, 47 C.F.R. §§ 61.41(c)(1), (2) and (d), and any other necessary provisions of its rules, to permit the continued regulation of the ALLTEL incumbent local exchange companies as rate-of-return companies and to permit Aliant Communications (Aliant) to convert to rate-of-return regulation following the merger. In order to prevent ALLTEL from circumventing the purpose of the Commission's rules in sections 61.41(c) and (d), the Commission also required the merged company to seek prior Commission approval if it ever decided to elect price cap regulation.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the

¹ For purposes of this Public Notice, when discussing the company formed by the merger of ALLTEL and Aliant, we use the term "ALLTEL/Aliant" or the "merged company." When discussing only the ALLTEL exchanges, we use the term "ALLTEL." Similarly, when discussing the former Aliant exchanges, we use the term "Aliant."

² See ALLTEL Corporation, Petition for Waiver of Section 61.41 of the Commission's Rules and Applications for Transfer of Control, 14 FCC Rcd 14, 191 (1999) (*ALLTEL/Aliant Order*).

Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Interested parties may file comments regarding the potential conversion of 13 of ALLTEL's study areas no later than July 3, 2000. Reply comments regarding this conversion request may be filed no later than July 24, 2000. In addition, interested parties may file comments regarding the request that the former Aliant exchanges remain subject to price cap regulation during the interim period no later than June 1, 2000. Reply comments regarding the former Aliant exchanges request may be filed no later than June 8, 2000. When filing comments, please reference the internal file number: CCB/CPD 99-1.

An original and four copies of all comments and reply comments must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445-12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231-20th Street, N.W., Washington, D.C. 20036, and one copy with the Chief, Competitive Pricing Division, 445-12th Street, S.W., 5th Floor, Washington, D.C. 20554. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445-12th Street, S.W., Room CY-A257, Washington, D.C. 20554. This document may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231-20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800, facsimile (202) 857-3805.

For further information, contact Joi Roberson Nolen, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520.

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